

# A guide for survivors of rape and sexual assault



Department of Health



## About this booklet

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## To the survivor

This booklet provides you with information on what happens after rape, including your medical care, examination, emotional reactions, the role of family support and legal processes.

## If you have been raped

It is important for you to understand that rape can happen to anyone (man, woman, boy or girl) and that it is not your fault.

### Some facts

- ⊙ Rape can happen to **anyone** - a male or female, of any age, race, class, nationality, or religious affiliation.
- ⊙ No one asks to be raped no matter what they wear, where they are, what they have done, or whether they have been using drugs or alcohol.
- ⊙ You can be raped by a stranger or someone you know and trust.
- ⊙ Rape is about power and control. Rapists use sex as a way of taking control and making themselves feel powerful.
- ⊙ Nobody “deserves” or “asks” to be raped. It is not your fault that it happened to you.
- ⊙ Rape is **not** a “crime of passion”, it **is** a “crime of power”.
- ⊙ Rape is an abuse of your human and sexual rights and it is against the law.

## Your health and the medical examination

After you have been raped, it is important that you get health care as quickly as possible. This is to:

- ⊙ Enable you to get medical care, treatment and advice.
- ⊙ Collect evidence to support your legal case if you report the rape to the police.

You will be asked to consent before any examination. You can refuse this at any time.

### Examination

This is done to find injuries you may have anywhere on your body from the rape. Injuries are documented on a form called a J88. This will be part of your docket if you open a case with the police and it can be used as evidence in a court case.

#### *During the examination*

- ⊙ You may ask any questions.
- ⊙ You may have a companion present to support you.
- ⊙ You may choose to only receive medical care and not be examined at all.

#### *Why samples are collected*

During the examination, samples can be taken and sent to a laboratory for testing for the rapist’s DNA. DNA is a biological fingerprint that is present throughout our bodies. DNA is found in saliva, blood and semen. If someone has sexual or other contact with you, for example, ejaculates, bites, licks or kisses you, DNA may be left behind. If evidence of someone else’s DNA is found on your body it proves that they had contact with you.



## Tests that will be done

A number of tests will be done for both medical and legal reasons.

### ***Pregnancy test***

If it is possible for you to fall pregnant, because you have started menstruating and have not yet reached menopause, you will be asked to provide urine for a pregnancy test. You will be asked to provide urine even if you are using a contraceptive like the injection or pill. The results of this test will be available to you immediately.

**If your test is positive within two weeks of the rape**, then you were pregnant **before** the rape. Any pills that you will be given will not harm your baby.

**If your test is positive two weeks or more after the rape**, you could be pregnant from before the rape or from the rape. You will need to have an ultrasound scan to find out how long you have been pregnant.

**If your test is negative and it is still within 5 days of the rape**, you will be given pills to prevent pregnancy from the rape.

### ***HIV test***

There are pills available that can help prevent an HIV infection. You have to take the pills within 3 days (72 hours) if you are HIV negative. It is therefore essential for you to have an HIV test so that the nurse or doctor can know whether you should be taking these pills.

If you agree to the test you will be asked to sign a consent form and give blood. You will receive counselling before the blood test and when you get your result. The test result is usually available immediately. The result of the test will be kept totally confidential.

### **If your test is positive:**

- ⊙ It means that you had HIV before the rape. It can be painful to be told that you have HIV, but it is also very important to know your status.
- ⊙ Having HIV is not a death sentence, but it means you have to look after yourself in order to be healthy.
- ⊙ You will be provided with information on how to live positively with HIV/AIDS. You will also be referred for further medical assessment to see if you need anti-retroviral pills and ongoing help and support.

**If your test is negative:**

- ⊙ You will be given pills to prevent you from acquiring HIV from the rape.
- ⊙ It is important for you to undergo more HIV tests and you will be offered these regularly, for up to 6 months after the rape to be completely sure that the pills have worked.
- ⊙ You should **use a condom every time you have sex** until your six months test is negative. Explain to your partner that this is for his/her protection.

You can ask for a copy of your signed HIV consent form and your HIV test results.

***Tests for sexually transmitted infections in children***

- ⊙ Children under twelve will be tested for sexually transmitted infections because these can prove that there has been sexual abuse.
- ⊙ Children will have swabs taken and will be asked for a blood sample.
- ⊙ The results will be available after a week or two.
- ⊙ It is very important that you collect the results and have the infections properly treated if they are present.

***Hepatitis B test***

- ⊙ All survivors should have a blood test for Hepatitis B.
- ⊙ This is an infection which you can get during rape especially if there have been cuts and injuries.
- ⊙ Hepatitis B is spread by contact with the blood of someone who is infected.
- ⊙ It can be prevented by vaccination within 3 weeks of the rape.
- ⊙ You will be asked for a blood sample to see if you are already protected or infected.

**If you test positive**, you have already been protected or infected and do not require further vaccination.

**If you test negative**, the vaccination will protect you from infection acquired during the rape. You will have to return to receive two more injections to complete the course of vaccination, which will protect you from getting Hepatitis B in the future.

# Pills



## ***Prevention of pregnancy***

- ⊙ If your pregnancy test is negative, you will be given pills to prevent you from falling pregnant. These are sometimes called the “morning after pill”.
- ⊙ There are different types of pills. Some of them can make you feel nauseous. You should also be given pills to prevent the nausea.
- ⊙ After taking these pills, some women have an early menstrual bleed and others have a later one. It may also make the bleed heavier or lighter.
- ⊙ If you do not have a menstrual bleed within 4 weeks, please return to have another pregnancy test.

## ***Pregnancy after rape - making the best choice for you***

If you become pregnant from the rape you have several choices:

- ⊙ You can have an abortion (termination of pregnancy) at a health facility.
- ⊙ You can complete the pregnancy and give the baby up for adoption.
- ⊙ You can complete the pregnancy and keep the baby.

Remember, the law says it is **your right to choose** what to do about the pregnancy. Nobody is allowed to force you to make a decision that you don't agree with. You can speak to a nurse at a health facility about the options. This will help you make the choice that is best for you.

## ***Prevention of HIV***

If you test negative for HIV, you will be given pills to reduce the risk of HIV infection. These pills are called **post exposure prophylaxis** (or PEP):

Post                   = after  
Exposure           = a situation where HIV has a chance to get into someone's blood  
Prophylaxis       = pills that try to stop the infection from happening

- ⊙ PEP pills must be started as soon as possible after the rape and always within 3 days (72 hours).
- ⊙ At this time we usually do not know whether your rapist had HIV. We may be able to find out but that takes time and it is important that you start the pills in case the rapist is infected.
- ⊙ The full course of pills is twice a day for 28 days. It is important that you finish all of the pills in order for it to work.
- ⊙ Please remember that the pills must be taken without breaks. If you are running out of pills before 28 days, you must get some more from the health facility.
- ⊙ If you are not able to come back to the health facility every week, please tell the doctor or nurse so that they will be able to give you the pills for 28 days.

## **IMPORTANT:**

- ⊙ PEP pills **do not guarantee** protection against HIV and so it is important that you have further HIV tests to make sure you did not become infected.
- ⊙ **Know what you are taking.** It is very important that you understand your pills so that you can be in control of your health and healing after the rape. In some cases the pills you take might be different to what is described in this booklet. Your doctor or nurse should explain what pills you are taking and the best way to finish taking them. Do not be afraid to ask them to explain if you do not understand something. It is your right to know and it is their job to tell you.

## ***Preventing other sexually transmitted infections***

You will be given **antibiotics** to prevent other sexually transmitted infections after the rape. Again, it is important to take the pills the way the doctor or nurse explains to you and **you must finish the pills**. You will usually need to take these pills for up to 7 days.

## ***Preventing tetanus and hepatitis***

You might be given injections to prevent other infections, such as tetanus and hepatitis B. The doctor or nurse should tell you what the injection is for.

## ***Side effects of the pills***

Most pills have some side effects. The most common side effects are:

- ⊙ Nausea
- ⊙ Vomiting
- ⊙ Abdominal pain
- ⊙ Headaches
- ⊙ Flu-like symptoms
- ⊙ Muscle pains
- ⊙ Tiredness
- ⊙ Dizziness

If you have pains or flu-like symptoms you may feel better if you take a simple pain killer of the type you normally take when you have a headache or fever.

If you have very bad side effects, **do not stop your pills**. If you have nausea or vomiting you can get special pills from the health facility or a pharmacy that can help. You can also go back to the health facility and ask them to change your pills.

Side effects are often only bad in the first few days of taking the pills. Some people have side effects immediately while others only start after a few weeks. Side effects will stop as soon as the course of pills is finished.

## The following tips can help you manage your daily pill schedule



- ⊙ **Take your pills at the same time every day.** Think about your daily routine and plan to take your pills at the same time as you do two of your daily activities, such as breakfast in the morning and a snack when you get home from work or with your evening meal at night. Try to make your two doses 12 hours apart (such as 6am and 6pm).
- ⊙ **Take your pills with a meal**
- ⊙ **Eat yogurt. It can help with nausea**
- ⊙ **Drink lots of water**
- ⊙ **Avoid alcohol**
- ⊙ **Keep a diary** and tick off when you take your pills
- ⊙ **If you forgot to take your pills**, take them as soon as you remember, but do not take a double dose. If you forget to take your pills for 2 days or more then you **must** speak to a nurse or doctor for advice.

## Does the man who raped you have HIV?

The law gives you the right to find out if the rapist has HIV by making him have an HIV test. You must have reported the rape to the police or a health facility and if the suspect is arrested, you can apply to have the person tested for HIV. The Investigating Officer or the hospital can give you a form to complete for this. In certain circumstances a parent, guardian or partner of someone who has been raped can also apply. A magistrate will decide if the test should be done based on the evidence. The suspect will then have to have an HIV test and you will be given the result by the police as long as you do not drop the charge.

**If he tests HIV positive**, you will have a chance of getting HIV from the rape. It is very important that you complete all your PEP pills and have an HIV test again to make sure they worked properly. You may feel very angry if you learn that he has HIV. This is understandable.

**If he tests HIV negative**, it is not very likely that he has HIV. Most rape survivors will be safe from getting HIV from suspects who test HIV negative. Unfortunately his negative test is not a guarantee. During the window period, in the first few weeks after an infection, a person has HIV but tests HIV negative. They are very infectious during this period and very risky to other people. You should continue your PEP pills as it is still possible that he is in the window period and you do want to be completely safe.

### *The suspect's HIV status and sentencing*

If your case goes to trial and the suspect is found guilty, the fact that he has HIV should be raised in court and he should receive a longer sentence.

You can also go to a civil court and use the information that he has HIV to get compensation for your pain and suffering as well as any expenses you may have. If you want to do this, you should consult with an attorney but you will have to pay for the legal service unless you can get the Legal Aid Board or one of the Legal Aid Clinics based at a university to help you.

You are not allowed to write to the newspapers about the fact that he has HIV, or to tell his employer or spread the information in other ways.

## How can rape affect you?



Rape is a traumatic event and it affects your mind and your feelings, as well as your body. Emotional reactions are normal responses to an abnormal situation. Sometimes you can feel overwhelmed but it will get better. It just takes time. You should seek help from the health facility or a counsellor if you feel that you are not coping. Do not be afraid to ask for counselling and support from your friends and family, you need everyone's support now. If there are women's organisations in your area they may have support groups or counselling you can attend too.

The feelings survivors have after rape may vary from person to person. You may find you experience severe distress soon after the rape or you may feel you are coping well at first. Then after some days or weeks you find you develop new feelings, concerns and problems. The emotional reactions commonly experienced by rape survivors include:

- ⊙ **A loss of a sense of power and control** with overwhelming feelings of powerlessness and vulnerability
- ⊙ **Anger and aggression** may be a reaction to the feelings of powerlessness.
- ⊙ **Fear** that you are not safe and that it could happen again.
- ⊙ **Need to get away** from a place which can remind you of the rape.
- ⊙ **Loss of trust** in others.
- ⊙ **Loss of a seeing a future** where things are different from right now.
- ⊙ **Feelings of being dirtied and loss of self-worth**
- ⊙ **Desire to avoid social contact with people** due to shame, low self-esteem or a sense of detachment.
- ⊙ **Feelings of detachment from your life;** that you are not feeling all the emotions you previously felt such as love for your children and parents or even feelings of pain, pleasure, anger or grief.
- ⊙ **Fear of any physical contact and sex** even with your intimate partner and those close to you.
- ⊙ **Disorientation, lack of concentration and forgetfulness**
- ⊙ **Nightmares** that may recur and often involve scenes of vulnerability, powerlessness and terror.
- ⊙ **Flashbacks** are experiences of reliving the rape or part of the rape. They can be images or a smell, sound or touch.
- ⊙ **Changes in sleep**, either difficulty getting to sleep or staying asleep.
- ⊙ **Eating disturbances**, such as reducing food intake or binge eating.
- ⊙ **Exaggerated state of readiness to defend oneself** due to an exaggerated sense that rape could happen again and a need to take very great precautions to prevent it.
- ⊙ **Feelings of being responsible for what happened, or even of guilt**
- ⊙ **Feelings of shame or embarrassment**
- ⊙ **You may even have thoughts of suicide.** You need to tell someone if you feel this way.

# Legal issues



## *Your legal rights*

- ⊙ You have the right to **report** the rape to the police. The police should take your statement (in private) and transport you to the nearest health facility.
- ⊙ You have the right to report the rape to a health facility and to receive all the health care you need without going to the police if you do not want to report the matter to them.
- ⊙ You can get a copy of the statement that you give to the police.
- ⊙ You can make a second statement to the police if you remember things that you did not mention in the first statement.
- ⊙ You should get medical treatment and receive PEP pills.
- ⊙ You can learn if your rapist has HIV.
- ⊙ You should be kept informed of the progress of the case, including whether your rapist is arrested and whether he gets bail, by the police.
- ⊙ You should not to be harassed by the rapist or any of his friends or family. The police should take action against any of them.
- ⊙ You can make a civil case against your rapist and claim compensation for hurt and suffering and related expenses that you may have.
- ⊙ You can lodge a formal complaint if you think your case is not being properly investigated.

## *Legal Processes*

- ⊙ The legal process starts when you report a rape to the police.
- ⊙ After this, the police will help you get medical care. They will investigate the case by taking statements from you and other witnesses.
- ⊙ If your rapist can be identified, he should be arrested by the police and will appear in court to be charged.
- ⊙ He may apply for bail and will be released if his application is successful.
- ⊙ If your rapist contacts you when he is on bail, you should report this to the police and he should be arrested again.
- ⊙ The decision about whether there is going to be a trial will be taken by the prosecuting authority by considering how likely they are to win. It is not your decision.
- ⊙ The trial often only takes place some months after the rape. During this time you can stay informed about what is happening with the case by speaking to the Investigating Officer.
- ⊙ At the trial you will be called as a witness and you will have to give evidence about the rape. You can do this in any language you feel comfortable speaking. The prosecutor should talk to you about what will be involved. You can also find out about the process from NGOs that help rape survivors in your area.
- ⊙ At the end of a trial, a case is either proven and the accused is found guilty. If it is not proven, the accused will be released and freed. It does not mean that the court is saying the accused did not do it and that you are lying. It only means they could not be completely sure that he did commit the rape. They cannot convict him unless they are completely sure.
- ⊙ You can still bring a civil case to seek compensation even if he is not convicted in a criminal case as the civil court looks at evidence in a different way. You may want to get advice on this.

## What you can do to help ensure the case is successful

- ⦿ You must stay in contact with the Investigating Officer. Make sure you have his or her name and phone number. If they leave the police station, make sure you are told all the details of anyone new who is handling your case.
- ⦿ Make sure that the Investigating Officer knows where to find you by calling him or her at least once a month. If you move house or change your phone number make sure that the Investigating Officer has your new address or number. If you want to go and stay with friends or family for a week or more or go on holiday, tell the Investigating Officer when you are going away and when you will be back in case they need to contact you.
- ⦿ Make sure that you have told the Investigating Officer everything that can help identify your rapist. If you think of anything new, phone them and ask to give a further statement.
- ⦿ Make sure you report any intimidation or harassment that may be from the rapist or his friends or family to the police as soon as it occurs. You have a right not to experience this and to have the police protect you.
- ⦿ Make sure you have friends or family who can help you through the case and support you. You can also contact a local NGO that helps rape survivors or call a helpline for expert support.
- ⦿ When the police tell you that the case is going to trial, ask for the name and phone number of the prosecutor so that you can contact him or her to be briefed about what is going to happen in court.
- ⦿ Prepare yourself mentally as the trial may take a long time. Our courts are very slow and it usually takes months and sometimes years to complete a trial.

## How your family may react

The rape may also affect your family members, friends and your partner. Sometimes our friends and family are very helpful and at other times they can make us feel worse. Good supporters are very important to you at this time, but they also may feel that they need support. The health facility staff should be able to talk to your family members and friends to help them help you.

You are not responsible for making your family, partner or friends feel better. They will have their own feelings of trauma and distress. You should not feel responsible for causing these, or try to protect them from such feelings. However, it may be helpful for them to seek counselling to get through this difficult time.

## Tips for parents and partners

Every rape survivor takes a different amount of time to heal emotionally after a rape. Some do so quickly and some take years. Rape survivors need their supporters to be patient and give them the time and support that they need.



## ***What parents and partners should tell survivors***

- ⊙ You believe them.
- ⊙ They are not to blame for the rape.
- ⊙ You still love them.
- ⊙ You want to be there for them, to listen to their problems and support and protect them.
- ⊙ You want them to love themselves and look after themselves and make themselves feel good.
- ⊙ Rape is perpetrated by bad men and boys. Being raped does not make you bad.
- ⊙ Healing takes time.

## ***What parents and partners should do***

- ⊙ Have time to listen.
- ⊙ Show love and admiration with words and touches, when touching is OK for the survivor.
- ⊙ Keep the normal rules of the house so that the survivor's feelings that the world has completely changed are not reinforced.
- ⊙ Encourage survivors to look after themselves by washing, dressing and eating properly.
- ⊙ Let survivors (unless very young) make decisions about their lives, how to cope and establish a sense of safety. This is essential for regaining control.
- ⊙ Acknowledge your feelings. Remember it is alright for you, as a parent or partner, to have strong feelings including feelings of wanting to react with violence toward the perpetrator. It is not acceptable, however, to act on these.
- ⊙ Suggest that survivors use techniques such as writing feelings and thoughts down to help process them.
- ⊙ Get professional help from a counsellor or psychotherapist if this is available.
- ⊙ Support survivors to take their pills, attend follow-up visits, and, in the case of partners, use condoms after rape.
- ⊙ As a partner, you need to acknowledge difficulties with sex, trust and intimacy after rape and the common need of survivors to spend time re-establishing sexual intimacy in a way that feels safe.
- ⊙ As parents, you must provide time for other children in the immediate family who are aware of what took place to discuss their feelings about what has happened. This should be done privately with an adult who is in a position to listen to their feelings and should not be done with the survivor present. Siblings who are distressed about what happened should be encouraged to show love and support to the survivor.

## ***Some things that you, as parents and a partner, should tell yourself***

- ⊙ I am not to blame for what has happened.
- ⊙ I need to make sure I remember to take time to care for myself and have someone to talk to.
- ⊙ I cannot guarantee that the world will be safe and I am not a bad person because of this.
- ⊙ It is normal for me to feel some of the anxiety that survivors feel. It is not necessary to hide these feelings from survivors, but at the same time I should not make them feel guilty for the stress that I am feeling.

# Practical suggestions for survivors

## ***Thinking through why you were raped and what happened***

You should acknowledge the trauma that you are going through and remember that it will impact on your life for a while. You can't be expected just to carry on as before. It is normal for you think a lot about why you were raped. It's important to remember that bad people rape and it's them that are to blame and not you.

## ***Talking***

Talking about the rape with a close friend, family member or counsellor can make it feel less frightening. You should not feel pushed to talk, if you are not yet ready. If talking is difficult, write what happened down.

## ***Regaining control***

You will have good days and bad days. You are in control of most aspects of your daily life even if it doesn't feel that way. You can make choices about what steps to take or what you want to do. For example, if you feel unsafe, put bars on your windows or another lock on your door or make an arrangement for someone you trust to stay with you, or walk with you, so that you are not alone.

## ***Support and safety***

It's good to think of the situations in which you feel unsafe and make plans for what you can do to feel safer. If you are contacted by the rapist's family for friends, or followed by them or see them hanging out near your house, report this to the police immediately.

## ***Positive thoughts***

What you think can affect the way you feel. You did the best you could in the situation. Do not dwell on what you should have done differently.

## ***Touching and sex after rape***

Survivors of rape often do not want sex or to be touched. This feeling will pass in time. Remember you do not need to touch or trust anyone more than you feel comfortable doing. You may only be able to enjoy sex properly if you can feel in control of sexual situations. You must talk to your partner about how you feel so that they know that you are not just rejecting them. You do not have to have sex to show love. Your partner owes it to you to respect your feelings at this time. Take things at the pace that feels right for you.

## ***Follow-up and further management***

You will need to return for follow-up visits at your health facility for test results, more tests, pills and counselling. Your doctor or nurse will provide you with dates to return for follow-up visits. You can return to the health facility if you experience side effects or require advice and further assistance. It is a lot easier if you come back to the place where you were first helped for all follow-up visits as your file and all your medical details are there. Do not miss appointments.

## Your case records

Keep ALL records of your case details. You have the right to request that the police give you a copy of your statement. It is important for you to keep your own records. If the records are misplaced it can affect your court case. What follows, is an example of the information you should hold onto:



**Date of the incident:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**Police station reported to:** \_\_\_\_\_

**CAS number:** \_\_\_\_\_

**Investigating Officer:** \_\_\_\_\_

**Health facility attended:** \_\_\_\_\_

**Hospital file number:** \_\_\_\_\_

**Dates of Appointments:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

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**Places referred to.** You should also keep records of any treatment or therapy that you underwent

**Contact numbers of people involved in your case.** Record the names and telephone numbers of the Investigating Officer, Police Station, health care provider, counsellor, prosecutor and other people who might be involved in your case.



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